

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DAVID BERRIOS and IGNACIO CHAVEZ, on behalf of  
themselves, and others similarly situated,

Plaintiffs,

-against-

NICHOLAS ZITO RACING STABLE, INC. and  
NICHOLAS ZITO, in his individual capacity,

Defendants.

04 CIV. 0022 (SLT) (AKT)

**CLASS ACTION TRIAL  
PUBLICATION ORDER**

**IT IS HEREBY ORDERED that:**

1. The trial of the above-captioned matter is scheduled for September 4, 2012.
2. The Notice of Class Action Trial annexed hereto as Exhibit 1 is approved.
3. The Notice shall be published in Spanish and English.
4. A copy of the Notice is to be mailed via First Class Mail to all known members of the Class on or before thirty (30) days after this Order is signed.
5. Additionally, beginning on or before thirty (30) days after this Order is signed, the Notice shall be posted in a conspicuous location at the Defendants' business premises (Saratoga Race Track, Belmont Race Track, and Aqueduct Race Track), where it will be easily accessible to all presently employed Class members, over the course of a two-week period.
6. Class Counsel shall incur the costs and shall be responsible for publishing the Notice.

Dated: New York, New York

June 19, 2012

SO ORDERED:

Honorable A. Kathleen Tomlinson, U.S.M.J.

**SO ORDERED**

A. Kathleen Tomlinson

United States Magistrate Judge

Date: June 19, 2012  
Central Islip, N.Y.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DAVID BERRIOS and IGNACIO CHAVEZ, on behalf of  
themselves, and others similarly situated,

04 CIV. 0022 (SLT) (AKT)

Plaintiffs,

-against-

NICHOLAS ZITO RACING STABLE, INC. and  
NICHOLAS ZITO, in his individual capacity,

Defendants.

**NOTICE OF CLASS ACTION TRIAL**

**TO:** Plaintiffs, and a class of individuals who furnished labor to Nicholas Zito Racing Stables, Inc. and Nicholas Zito (excluding Exercise Riders) within New York State ("Class").

**TRIAL DATE**

The Court has scheduled the trial of this action for September 4, 2012. The trial is expected to last approximately seven (7) days. The trial will be held at the United States District Court in the Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York, Courtroom 910, before the Honorable A. Kathleen Tomlinson, U.S.M.J. Lloyd Ambinder, Esq., of Virginia & Ambinder, 111 Broadway, Suite 1403, New York, New York 10006, telephone (212) 943-9080 and Delvis Melendez, Esq., 90 Bradley Street, Brentwood, New York 11717, telephone (631) 434-1443 have been designated legal counsel to the class in this action. If you have any questions, please contact Mr. Ambinder or Ms. Melendez. If you require Spanish translation, please contact Leonor Coyle, Esq. or Venus Velez of Virginia & Ambinder, LLP.

**You have a right to participate in this action even if you were paid in cash  
or if you are an undocumented alien.**

**All communications and discussions with Virginia & Ambinder and Delvis Melendez  
are confidential and will not be disclosed without your consent.**

If you worked for Defendants as a "groom," the Court has already determined that Defendant is liable for unpaid wages. Instead of a trial, the Court will hold a damages inquest to determine the amount that you are owed.

Defendants deny any wrongdoing and/or liability to plaintiffs or any other past or present employee, and vigorously contest all claims asserted by plaintiffs. For a more detailed statement of the matters involved in each action, please refer to the pleadings and other papers filed in this action, all of which may be inspected at the offices of Virginia & Ambinder, LLP, or Delvis Melendez.

**DO NOT CALL OR WRITE THE COURT OR THE CLERK'S OFFICE WITH  
QUESTIONS. THE COURT TAKES NO POSITION AS TO THE MERITS OF THE  
CLAIMS ALLEGED IN THIS LAWSUIT**

Dated: June 19, 2012  
New York, New York

~~BY ORDER OF THE COURT~~  
Honorable A. Kathleen Tomlinson, U.S.M.J.

**SO ORDERED**

~~A. Kathleen Tomlinson~~  
A. Kathleen Tomlinson  
United States Magistrate Judge

Date: June 19 20 12  
Central Islip, N.Y.